

ORDINANCE NO. 29-2021A

Bullock, Kepple, Litten, O'Malley,  
Rader, Shachner

AN ORDINANCE to take effect January 1, 2022, provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance No. 29-2021, adopted November 1, 2021 to correct a typographical error and to clarify that the effective date of Ordinance No. 29-2021 is January 1, 2022.

WHEREAS Council adopted Ordinance No. 29-2021 which grants additional vacation time to employees with prior municipal or state employment service; and

WHEREAS Ordinance No. 29-2021 was originally drafted with an effective date of August 1, 2021 and was substituted to become effective January 1, 2022; and

WHEREAS all of the date references were not changed in the substitute version of Ordinance 29-2021; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that this additional benefit is necessary to recruit and retain talented staff; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That Ordinance 29-2021 adopted November 1, 2021 currently reading as follows:

Section 2. That new Section 149.08 Vacations of the Lakewood Codified Ordinance is hereby enacted to read as follows:

**149.08 VACATIONS.**

(a) (1) Vacation time for all full-time permanent hourly employees and all annual salaried employees not covered by a collective bargaining agreement shall be earned in one calendar year and taken in a subsequent year. Vacation time earned during the first calendar year of employment shall be in accordance with the following schedule to reflect service time from the date of employment to December 31 of that first year based on the schedule below:

Effective August 1, 2021, permanent part-time employees not covered by a collective bargaining agreement, who have completed one-full year of service or more as of December 31 of any given year shall be entitled to vacation in the subsequent year based on the schedule below:

Hours of Service	Vacation Hours Earned
240 to 439	8
440 to 639	16
640 to 839	24

840 to 1039	32
1040 to 1239	45
1240 to 1439	48
1440 to 1639	56
1640 to 1839	64
1840 to 2079	72

Effective January 1, 2002, all full-time permanent hourly employees and annual salaried employees not covered by a collective bargaining agreement, who have completed one full year of service or more as of December 31 of any given year shall be entitled to vacation in a subsequent year based on the following schedule:

<b>Full Years of Service as of December 31</b>	<b>Vacation Hours Earned</b>
1 thru 6	80
7 thru 12	120
13 thru 18	160
19 and over	200

Effective August 1, 2021, full-time employees shall receive credit for prior service with the State of Ohio or any political subdivision of the State of Ohio for the purposes of vacation hours earned. Verification of prior service credit shall be provided to the human resources department by the employee from the appropriate retirement system.

Effective August 1, 2021, the Mayor or appropriate appointing authority may provide advanced vacation hours earned to full-time FLSA-exempt employees. Advanced vacation hours provided cannot exceed 120 hours per year. Advanced vacation hours shall be deducted from the employee's vacation bank upon the accrual of any vacation time in the next year. Employees shall be responsible for reimbursing the City for advanced vacation hours at that employee's hourly rate upon separation from employment with the City. At no time shall an employee carry a balance of advanced vacation in excess of 120 hours.

When a full-time permanent hourly or salaried employee terminates his employment due to voluntary resignation, retirement or death, vacation time earned during that year shall be prorated based on the above schedules.

(2) In applying subsection (a)(1) hereof, there shall be included in the term "regular time service" all regular time worked, regular time not worked but compensated by reasons of the holiday, vacation or sick leave provisions hereof and regular time neither worked nor directly compensated by the City but for which an employee received worker's compensation because of injury sustained in the course of employment by the City.

(b) Vacation time for all full-time permanent hourly employees and all salaried employees not covered by a collective bargaining agreement, shall be earned in one year and taken in the subsequent year, except that an employee's paid vacation leave shall be adjusted (or prorated) to reflect time spent on unpaid leave(s) of absence totaling thirty days or more (i. e. for each thirty days spent on unpaid leave of absence, an employee shall lose one-twelfth of regular paid vacation leave).

(c) Vacation pay of all employees shall be computed on the basis of compensation schedules, including regular time as to hourly employees, in effect at the time vacations are taken.

(d) No employee may accumulate in excess of ten weeks (fifty working days) of vacation time, excluding all vacation time earned in the year in which the accumulated vacation is taken; provided, however, in the event an employee is prevented from taking all of his vacation time earned during such year due to operational requirements of the City, the Mayor, at his sole discretion, shall have the authority to authorize a cash reimbursement for the vacation time such employee would have lost as a result of such prevention. No employee shall take more than four weeks vacation in a single uninterrupted period of time, except upon termination of employment. Accrued vacation time in excess of ten weeks (fifty working days) not taken by the employee shall be deemed surrendered by

the employee. Except as otherwise provided herein, vacation time not actually taken as such is not compensable in money; however, an employee may be compensated for vacation time earned upon the termination of his employment for any reason other than discharge for cause, conditioned upon at least one week's notice of such termination by such employee.

(e) All vacations shall be granted and taken at such times as shall be mutually agreeable to the employee and his division head, insofar as possible. Where they are unable to agree, the decision of the division head shall govern. The division head may permit the vacation to be taken in other than consecutive days. Each division head shall annually prepare a vacation schedule so devised as to cause minimum interference with normal operation of the division. In the event of conflict between employees in regard to vacation time, seniority shall control.

is hereby amended to read as follows:

Section 2. That new Section 149.08 Vacations of the Lakewood Codified Ordinance is hereby enacted to read as follows:

**149.08 VACATIONS.**

(a) (1) Vacation time for all full-time permanent hourly employees and all annual salaried employees not covered by a collective bargaining agreement shall be earned in one calendar year and taken in a subsequent year. Vacation time earned during the first calendar year of employment shall be in accordance with the following schedule to reflect service time from the date of employment to December 31 of that first year based on the schedule below:

Effective **January 1, 2022**, permanent part-time employees not covered by a collective bargaining agreement, who have completed one-full year of service or more as of December 31 of any given year shall be entitled to vacation in the subsequent year based on the schedule below:

Hours of Service	Vacation Hours Earned
240 to 439	8
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Full Years of Service as of December 31	Vacation Hours Earned
1 thru 6	80
7 thru 12	120
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19 and over	200

Effective **January 1, 2022**, full-time employees shall receive credit for prior service with the State of Ohio or any political subdivision of the State of Ohio for the purposes of vacation hours

earned. Verification of prior service credit shall be provided to the human resources department by the employee from the appropriate retirement system.

Effective **January 1, 2022**, the Mayor or appropriate appointing authority may provide advanced vacation hours earned to full-time FLSA-exempt employees. Advanced vacation hours provided cannot exceed 120 hours per year. Advanced vacation hours shall be deducted from the employee's vacation bank upon the accrual of any vacation time in the next year. Employees shall be responsible for reimbursing the City for advanced vacation hours at that employee's hourly rate upon separation from employment with the City. At no time shall an employee carry a balance of advanced vacation in excess of 120 hours.

When a full-time permanent hourly or salaried employee terminates his employment due to voluntary resignation, retirement or death, vacation time earned during that year shall be prorated based on the above schedules.

(2) In applying subsection (a)(1) hereof, there shall be included in the term "regular time service" all regular time worked, regular time not worked but compensated by reasons of the holiday, vacation or sick leave provisions hereof and regular time neither worked nor directly compensated by the City but for which an employee received worker's compensation because of injury sustained in the course of employment by the City.

(b) Vacation time for all full-time permanent hourly employees and all salaried employees not covered by a collective bargaining agreement, shall be earned in one year and taken in the subsequent year, except that an employee's paid vacation leave shall be adjusted (or prorated) to reflect time spent on unpaid leave(s) of absence totaling thirty days or more (i. e. for each thirty days spent on unpaid leave of absence, an employee shall lose one-twelfth of regular paid vacation leave).

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(d) No employee may accumulate in excess of ten weeks (fifty working days) of vacation time, excluding all vacation time earned in the year in which the accumulated vacation is taken; provided, however, in the event an employee is prevented from taking all of his vacation time earned during such year due to operational requirements of the City, the Mayor, at his sole discretion, shall have the authority to authorize a cash reimbursement for the vacation time such employee would have lost as a result of such prevention. No employee shall take more than four weeks vacation in a single uninterrupted period of time, except upon termination of employment. Accrued vacation time in excess of ten weeks (fifty working days) not taken by the employee shall be deemed surrendered by the employee. Except as otherwise provided herein, vacation time not actually taken as such is not compensable in money; however, an employee may be compensated for vacation time earned upon the termination of his employment for any reason other than discharge for cause, conditioned upon at least one week's notice of such termination by such employee.

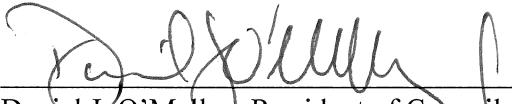
(e) All vacations shall be granted and taken at such times as shall be mutually agreeable to the employee and his division head, insofar as possible. Where they are unable to agree, the decision of the division head shall govern. The division head may permit the vacation to be taken in other than consecutive days. Each division head shall annually prepare a vacation schedule so devised as to cause minimum interference with normal operation of the division. In the event of conflict between employees in regard to vacation time, seniority shall control.

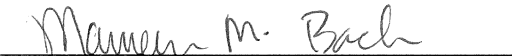
Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of

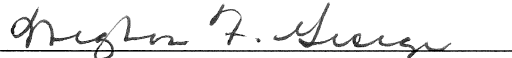
Council, this ordinance shall take effect and be in force January 1, 2022 upon adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted 12/6/2021

  
Daniel J. O'Malley, President of Council

  
Maureen M. Bach, Clerk of Council

Approved 12/7/21

  
Meghan F. George, Mayor